

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 9930 of 2005(F)

PETITIONER:

**M.B.PUSHPAM, ASSISTANT GRADE-I,
KERALA STATE DEVELOPMENT CORPORATION,
FOR SCHEDULED CASTS AND SCHEDULED TRIBES LTD.,
REGIONAL, OFFICE, PALAKKAD.**

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

- 1. THE KERALA STATE DEVELOPMENT CORPORATION,
FOR SCHEDULED CASTS AND SCHEDULED TRIBES LTD.,
TOWN HALL ROAD THRISSUR, REP. BY ITS
MANAGING DIRECTOR.**
- 2. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVT. SCHEDULED CASTS AND
SCHEDULED TRIBES DEVELOPMENT DEPARTMENT,
TRIVANDRUM.**
- 3. C.DEVAKI, JUNIOR SUPERINTENDENT,
THE KERALA STATE DEVELOPMENT CORPORATION FOR
SCHEDULED CASTS AND SCHEDULED TRIBES LTD.,
REGIONAL OFFICE, TRICHUR.**
- 4. K.VILASINI, JUNIOR SUPERINTENDENT,
THE KERALA STATE DEVELOPMENT CORPORATION FOR
SCHEDULED CASTS AND SCHEDULED TRIBES LTD.,
REGIONAL OFFICE, KANNUR.**
- 5. BANUMATHI, JUNIOR SUPERINTENDENT,
THE KERALA STATE DEVELOPMENT CORPORATION FOR
SCHEDULED CASTS AND SCHEDULED TRIBES LTD.,
REGIONAL OFFICE, TRICHUR.**

**BY ADV. SRI.M.K.CHANDRA MOHANDAS , SC - R1
SRI.V.A.MUHAMMED - R3 & R5
SRI.K.E.HAMZA
GOVERNMENT PLEADER SRI.P.SANTHOSHKUMAR - R2**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.99030/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.GO(MS)14/94/SCSTDD DT. 4.6.94 ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE ORDER NO.9012/A2/87 DT. 17.11.94 ISSUED BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE ORDER DT. 23.5.98 ISSUE BY THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE PROCEEDINGS DT. 14.8.98 ISSUED BY THE 1ST RESPONDENT.

EXT.P5:- COPY OF THE INTIMATION DT. 21.10.97 ISSUED BY THE 1ST RESPONDENT.

EXT.P6:- COPY OF THE ORDER NO.9424/A2/90 DT. 20.11.02 ISSUED BY THE 1ST RESPONDENT.

EXT.P7:- COPY OF THE ORDER NO.9012/A2/87 DT. 16.12.02.

EXT.P8:- COPY OF THE ORDER NO.9012/A2/87 DT. 17.8.04.

EXT.P9:- COPY OF THE RELEVANT PORTION OF THE ORDER NO.11251/A1/2000 DT. 12.9.03 (FINAL SENIORITY LIST OF ASST. GR.I).

EXT.P10:- COPY OF THE REPRESENTATION BEFORE THE 1ST RESPONDENT DT.29.9.03.

EXT.P11:- COPY OF THE JUDGMENT DT. 2.8.04 OM OP. NO.4390/99.

EXT.P12:- COPY OF THE ORDER NO.A1-743/98 DT. 18.11.04 PASSED BY THE 1ST RESPONDENT.

EXT.P13:- COPY OF THE REPRESENTATION DT. 6.7.06 SUBMITTED BEFORE THE MINISTER.

EXT.P14:- COPY OF THE COMMUNICATION DT. 23.8.06 ISSUED BY THE HONOURABLE MINISTER.

/TRUE COPY/

P.S. TO JUDGE

tss

Antony Dominic, J.

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W.P(C).No.9930 of 2005

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Dated this the 14th day of August, 2007.

JUDGMENT

Petitioner entered service in 1981. By Ext.P1 order dated 4.6.1994, along with others petitioner's service was regularised with prospective effect. From that point onwards, petitioner has been requesting that her service may be regularised with retrospective effect from the date of her initial engagement. Substantial prayer made in this Writ Petition is to direct the first respondent to give effect to her regularisation with retrospective effect from 1981 when she entered service. Petitioner has produced Ext.P13 representation. Although it was addressed to the Minister for Scheduled Castes and Scheduled Tribes, it is seen from Ext.P14 that this has been forwarded to the second respondent for appropriate action. Complaint of the petitioner is that Ext.P13 representation has not been disposed of by the second respondent so far.

2. At the same time, the contesting respondents would

contend that there was delay and latches. It is pointed out that the attempt of the petitioner is to unsettle the seniority with effect from 1981. It is already settled and therefore this Court should not pass any order in favour of the petitioner.

3. Without entering into merits of the contentions of both parties, I am inclined to direct the respondents to consider and dispose of Ext.P13 representation which is now pending before the said respondent. I clarify that the affected parties including the contesting respondents shall also be put on notice before any decision on Ext.P13 is taken and that it is upto the second respondent to consider the contentions of both parties. Orders on Ext.P13 shall be passed within four months from the date of receipt of a copy of this judgment.

With this direction, the Writ Petition is disposed of.

Antony Dominic,
Judge.